

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC LANCE WILSON,
Petitioner,

v.

SUSAN DAVIS,
Respondent.

Case No. 06-14285

Honorable Patrick J. Duggan

OPINION AND ORDER

Petitioner, a state prisoner currently confined at the Huron Valley Men's Correctional Facility in Ypsilanti, Michigan, has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner challenges his 2004 sentence for a 2001 guilty-plea conviction assault with a dangerous weapon; the sentence was imposed after Petitioner pleaded guilty to violating his probation by smoking marijuana. Respondent responded to the petition, contending that Petitioner's claims are meritless and not cognizable on habeas review, on April 13, 2007. On August 17, 2007, this Court referred the matter to Magistrate Judge Paul J. Komives for a report and recommendation and for the entry of any preliminary orders.

On July 15, 2008, Magistrate Judge Komives issued his Report and Recommendation ("R&R") in which he recommends that this Court deny Petitioner's application for the writ of habeas corpus, based on his conclusion that the state courts' resolution of Petitioner's claims did not result in a decision that was contrary to, or which involved an unreasonable application of, clearly established federal law. At the

conclusion of the R&R, Magistrate Judge Komives advises the parties that they may object and seek review of the R&R within ten days of service upon them. (R&R at 10-11.) He also specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

IT IS ORDERED, that Petitioner's petition for the writ of habeas corpus is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Date: August 18 , 2008

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